

APPROVED: October 26, 2009

WEST WINDSOR TOWNSHIP COUNCIL
BUSINESS SESSION
September 14, 2009

CALL TO ORDER: President Borek called the meeting to order at 7:00 p.m.

STATEMENT OF ADEQUATE NOTICE

This is to advise that the notice requirement provided for in the "Open Public Meetings Act" has been satisfied. Notice of this meeting was properly given and transmitted to The Times and Princeton Packet; filed with the Clerk of the Municipality; and posted in the West Windsor Township Municipal Building at North Post and Clarksville Roads on July 14, 2009.

ATTENDEES: President Borek; Vice President Geever; Council: Ciccone, Khanna, Morgan; Mayor Hsueh; Business Administrator: Hary; Township Attorney: Herbert; Coordinator of Community Development: Ward; Township Clerk: Young

SALUTE TO THE FLAG

Ms. Young led the salute to the flag.

PUBLIC COMMENT

Mr. Voytek Trela, 70 Bear Brook Road, thanked Mr. Carlson and Mr. Applegate for their service. He asked Council not to approve 2009-R231 regarding amendments to the Fair Housing Act.

Ms. Sharon Gladwin, 151 Penn Lyle Road, inquired about the Township policies for providing sewer and water to homes. She spoke about the twenty homes on her street that are without sewer and water. Ms. Gladwin asked if the Township could assist in the matter.

Mr. Wes Mostello, 168 Penn Lyle Road, spoke about having to replace his septic system and the need for sewer and water for the homes on his street.

Ms. Julie Chiang, 600 Village Road West, inquired about the letter and survey that went out to residents on and around Penn Lyle Road. She noted that some of the data on these homes was incorrect.

Mr. Robert Bushar, 574A Village Road West, noted that he was in favor of having his home and the other homes on Penn Lyle provided with sewer and water. He asked that the Township assist in providing a resolution.

Ms. Janet Lerner, 67 Rainflower Lane, congratulated Mr. Hary on his new position as Business Administrator.

Mr. Alvin Lerner, 67 Rainflower Lane, asked for additional information about resolution 2009-R231.

Motion to add further discussion about Penn Lyle Road sewer and water availability to the agenda immediately after the vote on the consent agenda: Morgan

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

CEREMONIAL MATTERS AND/OR TOPIC FOR PRIORITY CONSIDERATION

Honoring Ken Carlson for his Contributions to the Township of West Windsor

Mayor Hsueh spoke of the formation of the Bicycle and Pedestrian Alliance and the appointment of Mr. Ken Carlson as the Chair to the Alliance.

President Borek read the Proclamation into the record.

Mr. Carlson thanked Council and the Members of the Bicycle and Pedestrian Alliance for their support and hard work.

Expressing Sincerest Appreciation to William R. Applegate for
his Dedication and Duty to his Country

President Borek read the Proclamation into the record.

Council made comments acknowledging Mr. Applegate's dedication to his Country and advising him that he is an "American Hero".

COUNCIL MEMBER COMMENTS

Mayor Hsueh advised that a meeting will be scheduled with the Walden Woods residents to discuss their deed restriction issues.

Mr. Hary noted that the grand opening of Trader Joe's is on September 25th, and the Senior Center grand opening will be held on September 30th.

Mr. Morgan congratulated Mr. Hary on his position as Business Administrator and advised that his vote against the award of this position to Mr. Hary was because he was not pleased with the process of seeking qualified individuals for this position.

Ms. Ciccone noted that the GroWW Festival will be held on September 18th, and spoke about the lack of signage at the roundabout on North Post Road and at the train station. She also spoke of an intersection at Vaughn Drive that needed to be reviewed.

Mr. Khanna noted that he attended his first Affordable Housing Committee meeting.

Ms. Geevers advised that she attended the ribbon cutting ceremony for Duck Pond Park.

CHAIR/CLERK COMMENTS

President Borek noted that he and the Mayor attended a grand opening ceremony for a business in the Township, and advised that the businesses are coming back to the community.

PUBLIC HEARINGS

2009-17 BOND ORDINANCE AMENDING BOND ORDINANCE 2008-11 OF THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY FINALLY ADOPTED JUNE 23, 2008 IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT

President Borek opened the public hearing.

Motion to close public hearing: Morgan

Second: Khanna

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

Motion to adopt: Morgan

Second: Ciccone

aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

2009-18 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 168, "TRAFFIC AND PARKING," OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR - The Estates at Princeton Junction

President Borek opened the public hearing.

Motion to close public hearing: Morgan

Second: Khanna

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

Ms. Rebecca Painter, 77 Caleb Lane, inquired if the road that she lived on was affected by the ordinance.

Mr. Herbert advised that her road was not listed in the ordinance.

Ms. Ward noted that this ordinance originated at the request of the Estates of Princeton Junction Homeowners' Association. She advised that both the Fire Chiefs walked the roads in the development to enable them to make their recommendations.

Motion to adopt: Morgan

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

2009-19 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 168,
"TRAFFIC AND PARKING," OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR - Windsor
Haven

President Borek opened the public hearing.

Motion to close public hearing: Morgan

Second: Khanna

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

Motion to adopt: Morgan

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

CONSENT AGENDA

RESOLUTIONS

2009-R224 Appointments of Robert Hary as Fund Commissioner and
Joanne Louth as Alternate Fund Commissioner to Serve
on the Mid Jersey Municipal Joint Insurance Fund

2009-R225 Authorizing the Cancellation of 2009 Taxes for
Property Located at 348 Village Road East

2009-R226 Authorizing the Mayor and Clerk to Execute an Easement
Modification Agreement - 24 Sparrow Drive

2009-R227 Authorizing the Refund for Development Plan Review
Project

MINUTES

August 3, 2009 - Business Session

August 10, 2009 - Special Business Session

Mr. Morgan requested that the Bills & Claims be pulled for further discussion.

Motion to approve consent agenda as amended: Khanna

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

* Abstained from voting on the minutes for meeting at which he was not present.

ITEMS REMOVED FROM CONSENT AGENDA

BILLS & CLAIMS

Mr. Morgan advised that blanket vouchers should not be approved without documentation. He suggested that when discussing the budget, a policy should be set with regard to travel.

Motion to approve Bills & Claims: Morgan

Second: Ciccone

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

DISCUSSION REGARDING PENN LYLE ROAD SEWER AND WATER

Mr. Hary noted that a precedent has been set for the Township on the options residents have for the installation of water and sewer lines. He advised that the Council should not deter from the standard. Mr. Hary explained that grant funds were received for the reconstruction of Penn Lyle Road. He advised that surveys were sent out to the residents to see if there was interest in installing water and sewer lines during the reconstruction of the road. Mr. Hary noted that most of the surveys came back to the Township with a negative reply. He outlined for the residents the costs associated with the installation of the lines.

Mr. Herbert noted that sewer installations can be paid through financing from the developers, financed through tax payer funds, or through a local improvement assessment.

Mayor Hsueh noted that 30% of the homeowners in the Township do not have sewer and water installations.

Mr. Hary advised that the Heatherfield development made a request for sewers, and the cost is being covered through a local improvement assessment. He explained the process for the assessment.

Ms. Ciccone asked if the residents who do not want sewer would still have to pay for the installation.

Mr. Hary advised that the majority of the homeowners are in favor of the sewer installation, and then the cost is equalized to each of the residents involved.

Mr. Mostello gave a lengthy presentation about the history of sewer and water installation on Penn Lyle Road.

Mr. Morgan advised that the Township should review ways to make it easier for Penn Lyle residents to afford sewer and water.

Mr. Herbert was requested to inquire if the local improvement assessment could be extended beyond ten years.

Ms. Ciccone asked that the Township work with the residents in finding creative financing to help them with this issue.

Ms. Sharon Gladwin appreciated Council's openness and support in the matter. She advised that a fair resolution for the homeowners must be sought because now is the time to install the lines since Penn Lyle Road was being reconstructed.

Motion to have Administration and the Township Attorney work with the residents of Penn Lyle to find a resolution that is equitable to all: Ciccone

Second: Khanna

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

RECOMMENDATIONS FROM DEPARTMENT HEADS AND/OR DIVISION MANAGERS

COMMUNITY DEVELOPMENT

2009-R229 Authorizing the Mayor and Clerk to Execute a Land Development Performance Guarantee Agreement with West Windsor Gardens, LLC

LAW

2009-R231 Requesting Legislature to Adopt Prompt Amendments to the Fair Housing Act to make it clear that Substantive Certification by COAH does indeed protect Municipalities from Builders' Remedies

PUBLIC SAFETY

2009-R232 Approving the Request for the Fireworks Display by the Mercer County Italian American Association

RECOMMENDATIONS FROM COUNCIL AND/OR CLERK

2009-R233 Endorsing the "Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009"

Motion to approve resolutions 2009-R229 and 2009-R231 through 2009-R233: GeEVERS

Second: Khanna

RCV: aye Ciccone
aye GeEVERS
aye Khanna
aye Morgan
aye Borek

2009-R221 Authorizing the Issuance of New Plenary Retail Distribution Liquor License

Ms. Young advised that resolution 2009-R221 must be rescinded because the incorrect sale price for the distribution liquor license was listed on the resolution.

Motion to rescind resolution 2009-R221: Ciccone

RCV: aye Ciccone
aye GeEVERS
aye Khanna
aye Morgan
aye Borek

2009-R234 Authorizing the Issuance of New Plenary Retail
Distribution Liquor License for a Minimum Bid of \$700,000

Motion to approve: Ciccone

Second: Morgan

RCV: aye Ciccone

aye Geevers

aye Khanna

aye Morgan

aye Borek

COUNCIL REPORTS

Ms. Geevers commented that she attended the Parking Authority meeting on the 9th of September. She advised that bids will be going out for the construction of a parking garage. Ms. Geevers also noted that detectives from the Police Division were investigating the stolen bicycles at the train station.

Ms. Ciccone suggested that lights be installed at the Wallace Road crosswalk and at other crosswalks located within West Windsor Township.

ADDITIONAL PUBLIC COMMENT

Mr. Alvin Lerner, 67 Rainflower Lane, spoke about the public question that will be on the November ballot.

Mr. Voytek Trela, 70 Bear Brook Road, inquired about a meeting date for Walden Woods to meet with Township officials.

Mr. Edward Pierwola, 86 Bear Brook Road, spoke about the need to resolve the Walden Woods property deed issue.

ADJOURNMENT

Motion to adjourn: Ciccone
Second: Geevers
VV: All approved

The meeting was adjourned at 9:45 p.m.

Sharon L. Young
Township Clerk
West Windsor Township